

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOEY MASON, P-63481,)	
)	
Petitioner,)	No. C 12-4703 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
KEVIN CHAPPELL, Warden,)	(Docket # 2)
)	
Respondent.)	

Petitioner, a state prisoner currently incarcerated at San Quentin State Prison, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a 1999 conviction and sentence from Marin County Superior Court. His first petition was denied on the merits. See Mason v. Carey, No. C 03-1468 CRB (PR) (N.D. Cal. Mar. 12, 2004) (order).

A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The petition accordingly is DISMISSED without prejudice to refiling if petitioner obtains the necessary order.

The clerk shall terminate all pending motions as moot and close the file.

SO ORDERED.

DATED: Sept. 11, 2012



CHARLES R. BREYER
United States District Judge